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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 RANDY PALMER,

7 Petitioner,

8 v.

9 RONALD FRAKER, *et al.*,

10 Respondents.

No. C09-5703 FDB/KLS

ORDER FOR SERVICE AND  
RETURN § 2254 PETITION


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12 (1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of  
13 the Petition, of all documents in support thereof, and of this Order. All costs of service shall be  
14 advanced by the United States. The Clerk shall assemble the necessary documents to effect  
15 service. The Clerk shall send Petitioner a copy of this Order, and the General Order. The Clerk  
16 will also send a courtesy copy of the Petition to the Washington State Attorney General's Office.

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18 (2) Within forty-five (45) days after such service, Respondent shall file and serve an  
19 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District  
20 Courts. As part of such answer, Respondent should state whether Petitioner has exhausted  
21 available state remedies, whether an evidentiary hearing is necessary, and whether there is any  
22 issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of  
23 an answer without first showing cause as to why an answer is inadequate. Respondent shall file  
24 the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.

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26 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,  
upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday

1 after the answer is filed, Petitioner may file and serve a response not later than on the Monday  
2 immediately preceding the Friday appointed for consideration of the matter, and Respondent  
3 may file and serve a reply brief not later than the Friday designated for consideration of the  
4 matter.

5 DATED 24th day of November, 2009.

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9 Karen L. Strombom  
United States Magistrate Judge